

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JAMES ROBERT WEST, JR., #110315,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:08-cv-082-MEF
	)	
CAPTAIN SCONYERS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On November 3, 2010, the Magistrate Judge filed a Recommendation (Doc. #43) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the

ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. Defendants' motions for summary judgment on plaintiff's excessive force claim (Doc. #26, #31) are DENIED.
3. The plaintiff's § 1983 excessive force claim will be set for trial by jury.

DONE this the 22<sup>nd</sup> day of November, 2010.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE